

MINUTES
ZONING BOARD OF APPEALS
October 28, 2021 at 6:00 PM
at 15 Summer St- City Hall

Members Present: Dennis Ackerman, Wayne Berube, Craig Faria, George Moniz, Scott Rodrigues, Steve Vieira, and Bill Egan.

Meeting opens at 6:00 PM

Chairman Ackerman explains the ZBA process. They hear presentation from petitioner, hear opposition and in favor and then go back to petitioner to answer any questions. They do not go back and forth.

Cont'd. Case # 3637 Earley 128 E. Water St.
A Special Permit from Section 440 503 (d) of the Zoning Ordinance for the extension of a pre-existing non-conforming single family dwelling by allowing an 34' x 33' addition for a 3 family use having a 6.2' side setback (instead of 15 feet)
Requesting a continuance to January meeting.
Motion made and seconded to grant continuance to January meeting
Vote: Ackerman, Berbue, Vieira, Faria, Moniz.....Yes
Petition continued to Jan. 27, 2022.

Case # 3641 Capital Dev. Co LLC 1 Greylock Ave. & pro. I.D. 64-178 & 64-187
A Variance from Section 440 Attachment #3 of the Zoning Ordinance for the division of one lot into 3 lots. Lot 2 having 10,950 sq. ft. of lot area & dry area and lot 3 having 10,079 sq. ft. of lot area & dry area (instead of 15,000 sq. ft. lot area & 11,250 sq. ft. dry area)
Atty. Brianna Correia requested a continuance to next month.
Motion made and seconded to grant continuance to next month.
Vote: Ackerman, Vieira, Moniz, Faria, Berube.....Yes

Case # 3646 McClean 147 Winthrop St.
A Variance from Section 440-709 of the Zoning Ordinance to allow the dwelling conversion of a 2 family dwelling to a 3 family dwelling on lot having 12,418 sq. ft. (instead of 15,000 sq. ft.) and allow parking in the front yard and a waiver of 6 parking spaces to 4 parking spaces.

Requesting a continuance to next month.
Motion made and seconded to continue to November 18th meeting
Vote: Ackerman, Berube, Faria, Vieira, Moniz...Yes
Petition continued to Nov.18th

Case # 3640

Mello

1236 Somerset Ave.

For: A Variance from Section 440 Attachment #3 of the Zoning Ordinance for the division of one lot into two lots with Lot 1 having 19,837 sq. ft. of lot area & dry area and Lot 2 having 18,381 sq. ft. of lot area & dry area (instead of 30,000 sq. ft. lot area & 22,500 sq. ft. of dry area)

For the Petitioner: Atty. Brianna Correia, 123 Broadway, Taunton, Ma.

Joshua Borden, Arthur Borden & Associates Inc., 302 Broadway, Unit #4, Raynham, Ma.

In favor: petition signed by 33 abutters.

Opposed: None

Atty. Correia submits petition signed by abutters in favor. She apologized that Ms. Mello not present she had a prior commitment tonight. Atty. Correia states the property is located in the Suburban Residential District which required 30,000 sq. ft. lots. There are no conservation issues. The proposal is consistent with the neighborhood and some parcels in the area are smaller. There is water and sewer available. This will allow the petition to sell land and continue to assist her mom in her care. They have lived there since 1970's and they have the overwhelming support of the neighborhood. There will be no drastic change in the traffic. Atty. Correia they are will be no asking for a special permit for a 2 family and are ok with a single family only restriction. Chairman Ackerman read letters from the City Planner, Fire Dept., B. .O. H., Water Dept .and Conservation Commission into the record. Josh stated he spoke to the City Engineer about comments about the moratorium on Mello's Farm Road. He thinks the roadway was paved before 2017 but they will look into it and if needed they will go for a waiver from Council . They are aware of the existing structure has to be removed. Wayne asked if they want a duplex and they answers no only a single family dwelling. George asked what are the structures that need to be removed ? It was answered chicken coops. Chairman Ackerman pointed out the large chunk of ledge and slope from the southeast corner, and the topography & soils is the hardship. Wayne asked if they would need to add fill and he doesn't think so. George asked if they the right amount of lot area they would no need any variances? Steve asked if they tested soils yet? It was answered n. Public Input: No one in opposition or anyone speaking in favor. Petition signed by 33 abutters in favor.

Motion made and seconded to grant with the following conditions:

1 Restricted to single family dwelling on Lot 2.

2 The existing structure infringing on the setback on Lot 2 will need to be removed.

Vote: Ackerman, Berube, Moniz, Faria, VieiraYes

Petition granted

Case # 3642**Mellon****1765 Bay St.**

A Special Permit from Section 440-503 of the Zoning Ordinance for the alteration of a non-conforming use by allowing a portion of the gravel parking area to be used for outdoor storage (42,660 sq. ft)

For the Petitioner: John Marchand, P.E., Senior Project Mgr, Farland Corp. 21 Ventura Dr., Dartmouth, Ma.

Richard Mellon, 1765 Bay St., Taunton, Ma.

Opposed: Katherine Cooperstein, 1764 Bay St., Taunton, Ma. had some questions.

In favor: Diane Reizovic, 1831 Bay St., Taunton, Ma.

Elizabeth Carter, 1794 Bay St., Taunton, Ma.

The property consists of 10 acres and has one single family dwelling located on it. The barn is used as an auction house and they want to install a chain link fence around the barn area for storage purposes. The 10 acre parcel is screened by trees and the area is gravel and it will be loamed and seeded. They received a negative determination (which is good) from Conservation Commission and if approved by ZBA they will go to P.B. for Site Plan Review. Chairman Ackerman read dept. letters from the City Planner, Conservation Commission, Engineer, Water, B.O.H., and Fire Dept. into the record. Wayne asked if they were going to be storing board, campers and it was answered yes. It will be winter storage probably October thru May. So there won't be much traffic generated from this use. Public Input: Katherine Cooperstein, 1764 Bay St. lives across the street and has some questions. Will there be any chemicals with the vehicles? Mr. Mellon answers there will be no repairs of any vehicles allowed. This will be for dry storage from fall to spring. Under the zoning they are expanding the non-conforming use and she is not necessarily opposed to it she doesn't want it to more business neighborhood. Her concern is drainage also. In favor: Diane Reizovic, 1831 Bay St. lives next door. Elizabeth Carter, 1794 Bay St. lives next door and she supports him.

Motion made and seconded to grant with the following conditions:

- 1 No auto repair of any kind allowed on site.**
- 2 No storage of fuel or oil tanks on site.**

Vote: Ackerman, Berube, Moniz, Faria, VieiraYes

Case # 3643**Valli****4 Butler St.**

For: A Variance from Section 440 Attachment #3 of the Zoning Ordinance for the replacement of an existing garage (24' x 30') having a 2 foot side setback (instead of 15') on premises at **4 Butler St., Taunton, Ma.**

For the Petitioner: Roy DeLano, Lighthouse Land Survey Co. 27 Jefferson St.
Taunton, Ma.
In favor: None
Opposed: None

Roy stated the ZBA granted approval a few months ago and after assessing the garage it was determined it's in poor condition its best they take it down and re-build. They have moved the garage further away from one sideline (one less variance than before) and to maneuver around the bulkhead. They are not going any closer to the right side property line that the existing garage was. This will be all new construct and it will result in more room around the bulkhead. Chairman Ackerman read dept. comments from the City Planner, Conservation Commission, B.O.H., Fire, and Water Dept. Public Input: No one in favor or against.

**Motion made and seconded to grant as presented:
Vote: Ackerman, Berube, Moniz, Faria, VieiraYes
Petition Granted**

Case # 3644 Anslow 198 Fremont St.

For: A Variance from Section 440-602 and Section 440 Attachment #3 of the Zoning Ordinance for the division of one lot into 3 lots, Lot A having a side setback of 20 feet (instead of 25') Lot B having 55 feet of lot width (instead of 100 feet) Lot C having 67 feet of lot width (instead of 100 feet) and Lot B & C each having 54 feet of frontage (instead of 150 feet)

For the Petitioner: Atty. Brianna Correia, 123 Broadway, Taunton, Ma.
Scott Faria, R.P.L.S., 44 Burt St., Taunton, Ma.

In favor: Petition signed by 8 abutters.
 Opposed: Loretta Goldrick, 194 Fremont St., Taunton, Ma.
 Mary Vaughan, 192 Fremnt St., Taunton, Ma.
 Steve Orcutt, 135 Malibu Dr., Taunton Ma.

Atty. Correia states this property consists of 8.8 acres in the Rural Residential District and has a home on lot A. The proposal is to divide the property into 3 lots with variances for lot width and frontage and lot A needing setback variance. The hardship is the unique shape and shape of the lot. The lot is much narrower in the frontage and then widens, The property does have wetlands located on it but has enough of dry area to develop. They have explored the option of putting in roadway and putting more units in but they only want 2 additional lots. They will have separate driveway to each lot. Atty. Correia stated #200 Fremont St. is in favor of proposal. Lot C has plenty of wetlands which would act as a buffer and they are proposing to be outside the 25 foot buffer zone. They will file with Conservation Commission and also provide emergency access and service by water & sewer. Atty. Correia stated many abutters are in favor and she submitted petition signed by 8 abutters in favor. She stated that 2 additional single family dwellings will not have any adverse effect on traffic. Chairman Ackerman read letters from the

City Planner, Conservation Commission, Board of Health, Fire Dept., Water Dept., and City Engineer. Bill asked if the 20 foot access would be 20 feet cleared. George asked if this property was right before the railroad tracks. Atty. Correia states the petitioners have owned the property for some time. Wayne stated there are a lot of people coming before the board to divide the lots with creating long driveway with limited frontage. He's not comfortable with it even though they have some abutter support. Wayne stated during the testimony it was stated they develop as a conventional subdivision with road and he stated they should try that. George asked if each lot would have their own driveway and it was answered yes. Atty. Correia mentions the conventional subdivision with road was because applicant was approached by a developer to do that but they declined. They are not looking at that they would prefer 2 additional lots. Public Input: Loretta Goldrick, 194 Fremont St. stated she knows the petitioner and it's nothing against them but they are worried about the wetlands and how it will affect her property. She stated Willis Pond Road will probably be getting developed soon. She asked if the applicant is going to stay there and will they just sell lots. It was stated the applicant wishes to downsize and live on one of the new lots. She is afraid because they doesn't want to hurt anyone's feelings. She pointed out there is a lot of development going on on Fremont St. with the new mobile home park and now Willis Pond Road in the future. She stated the neighbors are afraid to make waves so they won't come to object. She has sewer easement and doesn't know how that will be affected? She stated she had to conform to the rules when she built her house and she thinks everyone should. Wayne asked Mrs. Goldrick if she knew if abutters don't want any development and she answers she didn't ask everyone. Her Mom, Mary Vaughan stated this is a no brainer. They don't conform to the to the rules in place so why are they even here? Wayne explained each case that comes before the Board doesn't meet the zoning rules that is what this board does, vote to allow things to be done without conforming to the zoning rules, basically to make an illegal lot legal. Wayne stated in other words they variance from the zoning ordinance and it's up to this Board to vote in favor or opposed. She pointed out the lot as it is now is a conforming lot and they want to create 3 non-conforming lots? There is a big difference from 150 feet frontage to 50 feet of frontage. Chairman Ackerman stated they look at each case on its own merits. Mrs. Vaughan stated she has had 2 petitions in the neighborhood and one had a condition that he build house and have his business there and it has since been shut down. Her backyard is private and they had it to put buffer between cul-de-sac and houses and they did not put it. Loretta Goldrick stated it was a trucking company in a residential district. George stated you probably would want to deal with the devil you know. Opposed Steve Walker, 135 Malibu Dr. stated he's not opposed to 2 lots but opposed to 3 lots. He stated he May AMP Development tried to develop Willis Pond Road and they withdrew that. But he has since found out Aspen Properties, owner City Councilor Chris Coute bought the property and will be developing in the future. He doesn't want a road going in. Scott suggested perhaps putting a putting a no cut zone to the rear of the property. He was unaware of any issues with the sewer connection. Atty. Correia only mentioned the option of developing as a conventional subdivision because 20 years ago petitioner was approached about that and they didn't want to put a road in. She re-iterated Lot A meets all zoning requirements except a sideline setback. Wayne stated he would not be voting for 3 lots.

Atty. Correira stated they have the support of the neighborhood and asks for a 5 minute recess to talk to petitioner.

Atty. Correira asked for a continuance to next month and they will reach out to neighbors.

Motion made and seconded to grant continuance to next month.

Vote: Ackerman, Berube, Moniz, Faria, VieiraYes

Petition continued

Case # 3645 Arsenault Misty Lane 29-127 & 29 – 128

For: A Variance from Section 440 Attachment #3 of the Zoning Ordinance to create 2 buildable lots with each lot having 125 feet of frontage (instead of 150 feet) and 25,000 sq. ft of lot area & dry area (instead of 60,000 sq. ft. of lot area & 43,560 sq.ft. of dry area) on premises situated on the **north side of Misty Lane, known as Property I.D. Map 29, parcels 127 & 128**

For the Petitioner: Kaen Patneau, P.E. 198 Crane Ave. So., Taunton, Ma.

In favor: Jonathan & Luanne Gibbs, 1185 Norton Ave., Taunton, Ma.

 Scott Rose, 382 Crane Ave. So., Taunton, Ma.

 Maribeth Cordeiro, 77 Misty Lane, Taunton, Ma had some questions.

Opposed: Paul & Lisa Boudreau, 80 Misty Lane, Taunton, Ma.

 Richard Mullen, 60 Misty Lane , Taunton, Ma.

Karen states they are requesting to create 2 buildable lots on 6 acres of land. The petitoenr has owned the property for over 30 years which originally his father owned and he then purchased 392 Crane Ave., South. The petitioner's daughter in law and grandchildren live at 392 Crane Ave. South His son Jeffrey just passed away 2 months ago. They configured the lot to keep the barn and corral, and stable to remain on 392 Crane Ave.South. in 1989 it was the former Suburban Residential District and then the zoning changed to Rural Residential District . If they conformed to the Rural Residential Dsistrict they would need shape factor variance. The hardship is the unique shape, the specific uses which include the horse barn and corral of which the petitioner granddaughter wishes to keep. In 1964 petitioner purchased corner lot and left Crane Ave So. And sold his house to son & daughter in law. It was always the understanding he (Jeff) would buy the land too. Mr. Arsenault stated the developer needed more land and they exchanged some land. Due to the zoning change it no longer is a buildable lot. Mr. Arsenault states he's 80 years old and has some health issues and selling the land will help him with his medical care. Chairman Ackerman read dept leters from the City Planner, Conservation Commission, B.O.H., Water and Engineer. Letter from Jonathan & Luann Gibbs, 1185 Norton Ave. In support. Opposed: letter from Paul & Lisa Boudreau, 90 Misty Lane. Chairman Ackerman suggests increasing the frontage to 150 feet and you would not need a form J (Pubic hearing with P.B.) There were several pieces of parcels in the deed and he had agreement to sell to his son of which just started his owned business then passed away. In favor: Scott Rose, 382 Crane Ave. So. Stated

he's in favor of the proposed lot configuration. Maribeth Cordeiro, 77 Misty Lane has a few questions. She is concerned about the water pressure and asks maybe the Water dept. can increase the pressure. Chairman Ackerman informed her once, if approved they apply for a building permit they would need the appropriate dept. to sign off and review it. The City Engineer reviews it to ensure there is no added water flowing onto other properties. Richard Mullen, 60 Misty Lane expressed his condolences to the family on the loss of Jeff. He stated this is a premier street and everyone wants to live on it. There is a forest across the street and he wants to make sure only a premier homes goes in. He doesn't want the property values to go down and the neighborhood stays the same. Chairman Ackerman stated he would be ok with 2 premier home sgo in there. He suggests making each lot have 150 feet of frontage and no further development. Mr. Arsenault didn't want to restart his daughter in law if she wanted to developer remaining land. Chairman Ackerman clarified restriction to no further development on the Misty Lane portion of the land which means no further access from Misty Lane. If they wanted to develop land they would not be using Misty Lane for any access.

Motion made and seconded to grant with the following conditions:

- 1. Each lot shall have 150 feet of frontage.**
- 2. No further development on the Misty Lane portion of the property.**

Vote: Ackerman, Berube, Moniz, Faria, VieiraYes
Petition granted

Meeting adjourned at 8:15 PM